

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 3, 2014**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent – Nielsen, Thompson. Total – 2.
Total – 70.

Prayer was offered by Representative Raybould.

The Pledge of Allegiance was led by Katelyn Manker, Page.

Approval of Journal

February 3, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 31, 2014

Mr. Speaker:

I transmit herewith [S 1215](#) which has passed the Senate.

NOVAK, Secretary

[S 1215](#) was filed for first reading.

January 31, 2014

Mr. Speaker:

I return herewith [H 386](#), [H 387](#), and [H 388](#) which have passed the Senate.

NOVAK, Secretary

[H 386](#), [H 387](#), and [H 388](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 3, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 4](#) and [H 437](#).

WILLS, Chairman

[HJM 4](#) was referred to the Agricultural Affairs Committee.

[H 437](#) was referred to the Local Government Committee.

January 31, 2014

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 352](#), [H 353](#), and [H 357](#) and recommend that they do pass.

WOOD(27), Chairman

[H 352](#), [H 353](#), and [H 357](#) were filed for second reading.

February 3, 2014

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 377](#) and recommend that it do pass.

COLLINS, Chairman

[H 377](#) was filed for second reading.

February 3, 2014

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 378](#), [H 379](#), and [H 429](#) and recommend that they do pass.

DEMORDAUNT, Chairman

[H 378](#), [H 379](#), and [H 429](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Hancey moved to rescind the decision whereby [H 380](#) failed to pass the House.

Mr. Hancey requested unanimous consent to withdraw the motion. With no objections, it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 38 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING 2014 AS THE SIXTIETH ANNIVERSARY OF THE ADDITION OF THE PHRASE "UNDER GOD" TO THE PLEDGE OF ALLEGIANCE AND TO HIGHLIGHT ITS LEGACY TO AMERICAN CITIZENS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, on February 7, 1954, President Dwight D. Eisenhower became convinced that adding the words "under God" to the United States Pledge of Allegiance would be the right thing to do after hearing Reverend George Docherty preach that the phrase "nation under God" was first used in the Gettysburg Address and was appropriate to be added to the United States Pledge of Allegiance because freedom "is defined by a fundamental belief in God"; and

WHEREAS, on February 10, 1954, a bill to "amend the Pledge of Allegiance to the Flag of the United States of America" by inserting the words "under God" was introduced in the United States Congress in a Joint Resolution by Senator Homer Ferguson; and

WHEREAS, upon introduction of the bill, Senator Ferguson commented, "I believe this modification of the pledge is important because it highlights one of the real fundamental differences between the free world and the Communist world, namely, belief in God," furthering that with, "Our nation is founded on a fundamental belief in God, and the first and most

important reason for the existence of our Government is to protect the God-given rights of our citizens,"; and

WHEREAS, the vote to add "under God" to the Pledge of Allegiance was a unanimous vote; and

WHEREAS, the Pledge of Allegiance is an integral part of this nation's identity, introduced to American children in their primary years and recited at major national events, and the inclusion of "under God" to its bold and moving language demonstrates our commitment to the spiritual values on which the United States was founded.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do hereby commemorate and recognize the year of 2014 as the sixtieth anniversary of "under God" in the Pledge of Allegiance and that Idaho citizens be encouraged to learn more about this chapter in their history.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives shall furnish copies of this resolution to the Idaho Capitol Correspondents.

HCR 38 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 438
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO MIDWIFERY; AMENDING SECTION 54-5502, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-5505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD OF MIDWIFERY'S RULEMAKING RESPONSIBILITIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5, CHAPTER 65, LAWS OF 2009, TO REVISE A SUNSET DATE; AND AMENDING SECTION 37, CHAPTER 79, LAWS OF 2010, TO REVISE A SUNSET DATE.

**HOUSE BILL NO. 439
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO PUBLIC ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209q, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL USE TECHNOLOGICAL TOOLS TO INVESTIGATE, AUDIT AND CONTROL FRAUD IN MEDICAID AND PUBLIC ASSISTANCE PROGRAMS, TO PROVIDE FOR ACTIVITIES TO REDUCE FRAUD, WASTE AND ABUSE, TO PROVIDE RULEMAKING AUTHORITY, TO AUTHORIZE THE DEPARTMENT TO UTILIZE FEDERAL FUNDING WHEN AVAILABLE AND TO PROVIDE FOR ANNUAL REPORTING BY THE DEPARTMENT; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 440
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY TAXES; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-205B, IDAHO CODE, TO ESTABLISH SPECIAL PROVISIONS FOR ASSESSMENT OF OPERATING PROPERTY OF RATE REGULATED ELECTRIC UTILITY COMPANIES AND TO PROVIDE FOR

RULES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 441
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 33-1103, IDAHO CODE, TO REVISE THE DEFINITION OF "MARKET VALUE FOR ASSESSMENT PURPOSES"; AMENDING SECTION 63-309, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY IS NOT ELIGIBLE FOR THE PERSONAL PROPERTY TAX EXEMPTION; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE CERTAIN ADMINISTRATIVE PROVISIONS REGARDING ADMINISTRATION OF THE PERSONAL PROPERTY TAX EXEMPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE THE DEFINITION OF "TAXABLE VALUE"; AMENDING SECTION 63-803, IDAHO CODE, AS ADDED BY SECTION 13, CHAPTER 339, LAWS OF 2012, TO REVISE THE DEFINITION OF "TAXABLE VALUE"; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF SALES TAX MONEYS IF TAXING DISTRICTS ARE CONSOLIDATED, TO PROVIDE FOR THE EFFECT OF TAXING DISTRICTS OR REVENUE ALLOCATION AREAS ANNEXING TERRITORY AND TO PROVIDE FOR TAXING DISTRICT AND REVENUE ALLOCATION AREA INELIGIBILITY TO RECEIVE MONEYS; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

**HOUSE BILL NO. 442
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY TAX ADMINISTRATION; AMENDING SECTION 63-110, IDAHO CODE, TO REVISE THE DATE BY WHICH THE STATE TAX COMMISSION SHALL COMPLETE ITS WORK AS THE STATE BOARD OF EQUALIZATION RELATING TO ASSESSMENT OF OPERATING PROPERTY; AMENDING SECTION 63-317, IDAHO CODE, TO REVISE ADMINISTRATION OF THE OCCUPANCY TAX AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-1706, IDAHO CODE, TO REQUIRE THE COUNTY ASSESSOR TO PROVIDE NOTICE TO TAXPAYERS THAT A YIELD TAX IS DUE AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 443
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ELECTIONS; AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE THE PERIOD OF TIME WITHIN WHICH A CERTAIN DECLARATION IS REQUIRED TO BE FILED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-313, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION HAS CERTAIN NOTICE RESPONSIBILITIES, TO PROVIDE THAT SCHOOL DISTRICTS HAVE CERTAIN FILING RESPONSIBILITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN NOMINATING PETITIONS AND TO MAKE TECHNICAL

CORRECTIONS; AMENDING SECTION 34-1413, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROCEDURES FOR CERTAIN POLITICAL SUBDIVISION ELECTIONS TO MODIFY VOTING PROCEDURES; AMENDING SECTION 50-410, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL NOT BE PERMITTED TO FILE A DECLARATION OF CANDIDACY FOR MORE THAN ONE OFFICE IN ANY CITY ELECTION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 50-412, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CANVASSING VOTES AND DETERMINING RESULTS OF ELECTION.

HOUSE BILL NO. 444
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ELECTIONS; REPEALING SECTION 31-717, IDAHO CODE, RELATING TO COUNTY INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED, PRINTING OF PETITION, REVIEW OF MEASURES AND TIME LIMITS; AMENDING CHAPTER 7, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-717, IDAHO CODE, TO PROVIDE FOR INITIATIVE AND REFERENDUM AND TO PROVIDE MINIMUM REQUIREMENTS OF A CERTAIN ORDINANCE; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-111A, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 34-439A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE JUDICIAL OFFICE; AMENDING SECTION 34-1002, IDAHO CODE, TO REMOVE LANGUAGE THAT PROHIBITS AN ELECTOR FROM CHANGING CERTAIN INFORMATION ON AN APPLICATION FOR ABSENTEE BALLOT; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1106A, IDAHO CODE, TO AUTHORIZE COUNTY ADOPTION OF AN ELECTRONIC POLL BOOK AND TO PROVIDE RELATED REQUIREMENTS; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1801B, IDAHO CODE, TO PROVIDE INITIATIVE AND REFERENDUM PROCEDURES FOR LOCAL ENTITIES; AMENDING SECTION 50-501, IDAHO CODE, TO REMOVE REFERENCE TO AN ORDINANCE, TO REVISE THE PERIOD OF TIME WITHIN WHICH PETITIONS FOR REFERENDUM ARE REQUIRED TO BE FILED AND TO PROVIDE A FILING TIME FRAME FOR CERTAIN PETITIONS FOR INITIATIVE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 445
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE STATE SUNSHINE LAW; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE THE DEFINITION OF "NONBUSINESS ENTITY" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6606, IDAHO CODE, TO REVISE EXPENDITURE REQUIREMENTS BY NONBUSINESS ENTITIES; AND AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE CERTAIN DUTIES OF LOBBYISTS AND TO MAKE A TECHNICAL CORRECTION.

[H 438](#), [H 439](#), [H 440](#), [H 441](#), [H 442](#), [H 443](#), [H 444](#), and [H 445](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1215](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 389](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 390](#), [H 391](#), [H 392](#), and [H 405](#), by Environment, Energy, and Technology Committee, were read the second time by title and filed for third reading.

[S 1245](#), by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 354](#) - COUNSELORS AND THERAPISTS

[H 354](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Romrell to open debate.

The question being, "Shall [H 354](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Bateman, Batt, Bell, Bolz, Burgoyne, Chew, Collins, Crane, Erpelding, Eskridge, Gannon, Gibbs, Hancey, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Malek, McDonald, Meline, Miller, Monks, Morse, Moyle, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Smith, Stevenson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 53.

NAYS – Barbieri, Barrett, Boyle, Clow, Dayley, DeMordaunt, Denney, Gestrin, Harris, Luker, McMillan, Mendive, Palmer, Shepherd, Sims. Total – 15.

Absent – Nielsen, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 354](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 355](#) - SOCIAL WORK LICENSING ACT

[H 355](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hancey to open debate.

The question being, "Shall [H 355](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Bateman, Batt, Bell, Bolz, Burgoyne, Chew, Collins, Crane, Erpelding, Eskridge, Gannon, Gibbs, Hancey, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc,

Loertscher, Malek, McDonald, Meline, Miller, Monks, Morse, Moyle, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Smith, Stevenson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 52.

NAYS – Barbieri, Barrett, Boyle, Clow, Dayley, DeMordaunt, Denney, Gestrin, Harris, Luker, McMillan, Mendive, Palmer, Shepherd, Sims, Wood(35). Total – 16.

Absent – Nielsen, Thompson. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 355](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 356](#) - PODIATRISTS

[H 356](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Morse to open debate.

The question being, "Shall [H 356](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barrett, Bateman, Batt, Bell, Bolz, Burgoyne, Chew, Clow, Collins, DeMordaunt, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Miller, Morse, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Smith, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 53.

NAYS – Barbieri, Boyle, Crane, Dayley, Denney, Harris, McMillan, Mendive, Monks, Moyle, Palmer, Shepherd, Sims, Stevenson, Wood(35). Total – 15.

Absent – Nielsen, Thompson. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 356](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 408](#) - PURCHASING DIVISION

[H 408](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mendive to open debate.

The question being, "Shall [H 408](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Trujillo, VanOrden,

Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Nielsen, Thompson. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 408](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 4, 2014. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:42 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk